

Leffers, Gerald

From: Leffers, Gerald
Sent: Thursday, April 08, 2004 9:53 AM
To: Fredman, Jeffrey
Subject: FW: RUSH search--09/522,753

Hi Jeff,

I looked through the spec and it appears that the protein described by SEQ ID NO: 5 is not embedded in SEQ ID NO: 11. Please forward my search request to David Schreiber as approved.

David, I am requesting in addition an oligomer search against nucleic acids encoding SEQ ID NO: 5 and that the best looking hits be aligned against SEQ ID NO: 11 so that I can examine claim 23. The effective filing date for my application is 9/1/1995. Any questions or suggestions are welcome. Thank you both for your assistance. Gerry Leffers

Gerald G. Leffers Jr., PhD
Primary Examiner, Art Unit 1636
Remsen Building, Room 02A69
(571) 272-0772

-----Original Message-----

From: Leffers, Gerald
Sent: Thursday, April 08, 2004 7:20 AM
To: Fredman, Jeffrey
Subject: RE: RUSH search--09/522,753

Hi Jeff, there was no restriction between these sequences earlier in prosecution (09/522,753 IFW). The problem I have is that some of the claims have negative limitations that I'm not sure how to handle if I don't search the entire sequence. For example:

The polynucleotide of claim 4 (encoding a protein with at least 80% identity with SEQ ID NO: 5), wherein the SMRT co-repressor comprises a repression domain having

- (a) less than about 83% identity with the domain set forth as amino acids 255-312 of SEQ ID NO: 11;
- (b) less than about 57% identity with the repression domain set forth as amino acids 1-312 of SEQ ID NO: 11;
- (c) less than about 66% identity to the domain set forth as amino acids 312-668 of SEQ ID NO: 11; or
- (d) less than about 30% identity with repression domain 2 set forth as amino acids 736 to 1031 of SEQ ID NO: 11.

23. An isolated oligonucleotide, comprising at least 15 nucleotides that can hybridize specifically to the polynucleotide of claim 4, but neither to a polynucleotide encoding SEQ ID NO: **[Leffers, Gerald]** 11 nor to a polynucleotide encoding an amino acid sequence consisting of amino acids 1031 to 2517 of SEQ ID NO: 5.

24. The oligonucleotide of claim 23, wherein the polynucleotide encodes at least five contiguous amino acids of a sequence selected from the group consisting of:

- amino acids 720 to 745 of SEQ ID NO: 5;
- amino acids 716 to 742 of SEQ ID NO: 7; and
- amino acids 497 to 523 of SEQ ID NO: 9.

I would dearly like to restrict these claims but there has already been a fair amount of examination, with the previous examiner indicating that the claims are allowable but for grammatical/syntax objections. Perhaps it would be best if I talked directly with someone down there about these claims? Do I need to still get approval for the RUSH aspect of this? As always, thanks for your help and guidance. Gerry

Gerald G. Leffers Jr., PhD
Primary Examiner, Art Unit 1636
Remsen Building, Room 02A69
(571) 272-0772

-----Original Message-----

From: Fredman, Jeffrey
Sent: Thursday, April 08, 2004 7:00 AM

To: Leffers, Gerald
Subject: RE: RUSH search

Gerald,

Was this case restricted? There seem to be way too many sequences. Also, the size is so large that it will certainly use a very large amount of computer time. If there are no fragment claims, could you search the first and last 500 nucleotides to see if there are any real hits?

Jeff

-----Original Message-----

From: Leffers, Gerald
Sent: Wednesday, April 07, 2004 10:34 AM
To: Fredman, Jeffrey
Subject: RUSH search

Hi Jeff, please approve a RUSH search/interference search of the following sequences: SEQ ID NOS: 4-9 and 11. This is a transfer case that is a 2 month amended on my docket.

Claims to nucleic acid encoding a protein with at least 80% identity to SEQ ID NO: 5 (~2,500 amino acids) or SEQ ID NO: 9 (~2,250 amino acids) or SEQ ID NO: 7 (~2,400 amino acids).

Claims to a nucleic acid with ~80% identity to SEQ ID NO: 4 (~8.5 KB) or SEQ ID NO: 6 (~8.3 kb) or SEQ ID NO: 8 (~7.4 kb)

Thank you for your help. Gerry Leffers

Gerald G. Leffers Jr., PhD
Primary Examiner, Art Unit 1636
Remsen Building, Room 02A69
(571) 272-0772